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Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Transportation
Division:	Traffic Operations
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1680-03-03	Specific Service Signs (Logo Sign Program)
Rule Number	Rule Title
1680-03-03-.01	Preface
1680-03-03-.02	Definitions
1680-03-03-.03	General Provisions
1680-03-03-.04	Criteria for the Erection of Signs for the Logo Sign Program
1680-03-03-.05	Services Permitted
1680-03-03-.06	Measurements
1680-03-03-.07	Application Process
1680-03-03-.08	Space Available Notification
1680-03-03-.09	Termination of Participation
1680-03-03-.10	Sign Composition
1680-03-03-.11	Business Logo Dimensions and Details
1680-03-03-.12	Business Logo Sign Maintenance
1680-03-03-.13	Appendix

Rule 1680-3-3-.01 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.01 Preface.

- (1) Specific service signs (hereafter referred to as logo signs) provide the traveling public with business identification and directional information for essential motorist services. Logo signs will be permitted at interchanges on freeways that are located outside of the census boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census. In addition, logo signs will be permitted on freeways within the urbanized area boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census, upon written request by the local government, provided all the criteria are met as described in these rules.
- (2) The following rules set forth the criteria to be followed in the administration of the Logo Sign Program. If questions arise in the interpretation of these rules, the Commissioner of the Tennessee Department of Transportation, or the Commissioner's designee, will make the final administrative determination. These rules supersede all prior rules related to gas, food, lodging, and camping or attraction service signs.

Authority: T.C.A. §§ 54-5-1101 and 54-5-1108.

Rule 1680-3-3-.02 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.02 Definitions.

- (1) Background Sign Panel means an official sign panel placed within the freeway right-of-way along the mainline of travel or exit ramp with the words Gas, Food, Lodging, Camping or Attraction, or a combination thereof, and with space where one to six individual business logo signs may be attached.
- (2) Business means any approved public commercial facility that provides one of the five qualifying motorist services eligible to participate in the Logo Sign Program.
- (3) Commissioner means the Commissioner of the Tennessee Department of Transportation.
- (4) Contractor means the firm awarded the administrative services contract by the Department for the marketing, management, and maintenance of the Logo Sign Program.
- (5) Department means the Tennessee Department of Transportation.
- (6) Disadvantaged Business Enterprise means a small business concern that is certified as a "Disadvantaged Business Enterprise" pursuant to the Rules of the Tennessee Department of Transportation Contract Compliance Office, Chapter 1680-08-01, Certification of Disadvantaged Business Enterprises.
- (7) Double Exit means an interchange design where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, with one ramp for each direction of travel on the crossroad.
- (8) Eligibility Distance means the total roadway distance plus the offset distance to the primary point of entrance to a business. (See Rule 1680-03-03-.13, Figure 9 for an example.)

- (9) Exit Ramp means the travel lane at an interchange on a freeway leading from the mainline to the intersecting crossroad.
- (10) Freeway means a divided highway with full control of access.
- (11) Logo Sign means an individual sign of a participating business in the Logo Sign Program that consists of the business's name, trademark, logo, or combination of same. This is the sign that is attached on the background sign panels.
- (12) Mainline means the through travel lanes of a freeway.
- (13) Motorist Service means a place of business providing either gas, food, lodging, camping or attraction facilities.
- (14) MUTCD means the Manual on Uniform Traffic Control Devices.
- (15) Offset Distance means the distance measured from the secondary point of intersection (SPOI) to the nearest corner of the business's building. If the building has an offset the corner that will provide for the shortest eligibility distance will be used for measurement purposes. (See Rule 1680-03-03-.13, Figure 9 for an example.)
- (16) PPOI (Primary Point of Intersection) means the point at which the centerline of the median on the freeway intersects with the centerline of the crossroad. When the crossroad has more than two lanes, the centerline of the median, bridge or the exact center of the roadway surface crossing the freeway mainline will be used. (See Rule 1680-03-03-.13, Figure 9 for an example.)
- (17) Priority Distance means the distance measured from the Secondary Point of Intersection (SPOI) to the center of the main doorway of the business. (Used only in case of ties in eligibility distance measurements. See Rule 1680-03-03-.13, Figure 9 for an example.)
- (18) Rest Room means a clean private rest room, having at least one flush toilet and at least one sink with running water, in working order.
- (19) Roadway Distance means the distance measured from the Primary Point of Intersection (PPOI) along the centerline of the crossroad or other public/private roadway leading to the Secondary Point of Intersection (SPOI).
- (20) Single Exit means an interchange design where, for a given direction of travel on the mainline, only one exit ramp provides access to the crossroad.
- (21) SPOI (Secondary Point of Intersection) means the point at which the center line of the public or private thoroughfare providing direct access to the business facility intersects with a perpendicular line to the nearest corner of the business building.
- (22) Tennessee-Based Business Enterprise means a person or entity that has an office in the State of Tennessee.
- (23) Trailblazer Background Panel means an official sign panel placed before the intersection where a turn is required to get to the business to display Trailblazer Signs. These are placed at intersections with 3 or more trailblazers signs.
- (24) Trailblazer Sign means the sign used in the Logo Sign Program that indicates the name, direction and distance to a motorist service.

- (25) Urbanized Area Boundary means that boundary identified as the census boundary by the United States Bureau of Census for a specific geographical location.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.03 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.03 General Provisions.

- (1) The Department has the authority to provide for the construction and administration of the Logo Sign Program.
 - (a) Construction contract(s): The Department may enter into contract(s) for the construction of logo sign background sign panels. The construction contract(s) shall be for the construction and erection of the background sign panels.
 - (b) Administrative services contract(s): The Department may enter into contract(s) for administration of the Logo Sign Program. The contract(s) shall be subject to the provisions of T.C.A. § 54-5-1103.
- (2) Contracts shall be awarded to Tennessee-based business enterprises pursuant to T.C.A. § 54-5-1105.

Authority: T.C.A. §§ 54-5-1103, 54-5-1105, and 54-5-1108.

Rule 1680-03-03-.04 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.04 Criteria for the Erection of Signs for the Logo Sign Program.

- (1) The Department will allow the erection and maintenance of signs for the Logo Sign Program in accordance with the MUTCD, these rules, and contract provisions. However, to minimize the interference with the more critical regulatory, warning and guide signs, the logo sign background sign panels will be erected prior to the advance guide sign on the mainline, where possible, and at close spacing on the exit ramp. In addition to the aforementioned, the following criteria should be met:
 - (a) The desired spacing between each mainline background sign panel should be at least eight hundred (800) feet, and the mainline background sign panel shall not conflict or interfere with any other official highway guide sign.
 - (b) Exit ramp background sign panels shall not be erected where the ramp terminus offers no options for turns. However, where no businesses are visible from the terminus, the contractor may install trailblazer signs at a location determined by the Department and in conformance to specifications for trailblazer signs.
 - (c) There shall be no more than a total of four background sign panels along the approach to any interchange, in each direction of travel, and no more than one background sign panel shall be erected for each eligible motorist service. The background sign panels should be erected in the following order in relation to the direction of travel: first, attraction and/or camping; second, lodging; third, food; and fourth, gas.
 1. A separate background sign panel shall be erected for each type of motorist service, except where no more than three approved businesses are available for each of two types of services. The Department in that case may elect to display a

background sign panel for two types of services on the same background sign panel.

2. A business will have its logo signs installed at an interchange that provides it with the shortest eligibility distance.
 3. A business may have logo signs installed at a second interchange, provided it meets all the requirements as set forth in these rules and the business does not prevent another eligible business from participating in the Logo Sign Program at that interchange.
 4. The number of logo signs on the background sign panel shall be limited to six for each motorist service.
 5. The placement of individual logo signs on all background sign panels will be as follows:
 - (i) All businesses that are accessible via a left turn from the exit ramp terminus will be placed first.
 - (ii) All businesses that are accessible via a right turn from the exit ramp terminus will then be placed.
 - (iii) The logo signs of all businesses will be placed according to eligibility distance from each direction of turn, starting with the logo sign of the business with the shortest eligibility distance and going to the logo sign of the business with the greatest eligibility distance.
 6. A business is eligible to participate in the Logo Sign Program provided that it offers at least one of the specific motorist services (gas, food, lodging, camping or attraction) and it meets the applicable minimum criteria set forth in Rule 1680-03-03-.05.
 7. In the event that a business provides more than one motorist service, it may be eligible to display a logo sign for each service it provides on the proper background sign panel, provided the following conditions are met;
 - (i) It meets all minimum criteria for the service,
 - (ii) It does not prevent participation by another business which offers a sole service and would otherwise qualify for placement on the background sign panel,
 - (i) Space is available on the background sign panel.
 8. Within the urbanized area boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census, the total number of boards at each individual interchange may vary based on the space allowance, but the total number shall not exceed four. Priority will be as follows: first, gas and/or food; second, lodging; and third, attraction and/or camping.
- (d) At interchange approaches having a single exit, each background sign panel shall bear the type of service followed by the exit number on a line above the logo signs.

- (e) On interchange approaches having a double exit, each background sign panel shall consist of two sections.
 - 1. The top section shall bear the type of service and display the logo sign for the businesses accessible from the first exit.
 - 2. The lower section shall bear the type of service and display the logo sign for the businesses accessible from the second exit.
 - 3. The exit number shall be displayed on a line above the logo signs in each section.
 - 4. When a motorist service is to be signed at only one of the two exits, one section of the background sign panel may be omitted or a single exit interchange background sign panel may be employed.
- (f) All businesses displayed on a mainline background sign panel will also be displayed on the exit ramp background sign panel. This only applies to interchanges that are eligible for exit ramp background sign panels.
 - 1. Exit ramp background sign panels shall consist of a logo sign identical to but smaller than the logo sign on the mainline background sign panel.
 - 2. The arrangement of individual logo signs on an exit ramp background sign panel will be the same as the arrangement of logo signs as stipulated in Rule 1680-03-03-.04(1)(c)5.
 - 3. There will be directional arrows and mileage to each business on the exit ramp background sign panels at single exit interchanges. (See Rule 1680-03-03-.13, Figure 2.)
- (g) Descriptive advertising words, phrases, or slogans shall not be allowed on any logo sign, except to indicate dates of operation of eligible campgrounds that open on a seasonal basis, to indicate that a business is "open 24 hours," or that a business offers "diesel" or "auto diesel fuel," or other as approved by the Department. If more than two (2) descriptive words, phrases, or slogans are requested, approval must be obtained from the Department.
- (h) The distance that a gas, food or lodging motorist service business can be located from the PPOI to qualify for a logo sign shall not exceed three (3) miles in either direction. The distance that a camping or attraction motorist service business can be located from the PPOI to qualify for a logo sign shall not exceed fifteen (15) miles in either direction.
- (i) Trailblazer signs may be installed to indicate the need for a turn when the crossroad terminates. In addition, trailblazer signs should be used to indicate whenever a turn is needed to reach an eligible business. All trailblazer signs will have a supplemental sign showing a directional arrow and mileage to the business.
 - 1. Where the road on which the trailblazer sign is needed is a state highway, the qualifying business will furnish the contractor with the appropriate trailblazer signs. The contractor will erect and maintain all trailblazer signs.
 - 2. Where the road on which the trailblazer sign is needed is a city or county road, it shall be the responsibility of the business to make arrangements with the

appropriate local governmental agency allowing the contractor to erect and maintain the trailblazer sign(s).

3. Trailblazer signs shall consist of a logo sign identical to but smaller than a mainline logo and a supplemental directional arrow and mileage sign. (See rule 1680-03-03-.13, Figures 3 & 4 for sign specifications.)
 - (j) Logo signs shall not be installed at any directional interchange. A directional interchange is an interchange of two Interstate highways, or any other freeway-to-freeway interchange having comparable geometric design features.
 - (k) The applicants and business participants in the Logo Sign Program agree to hold harmless the State of Tennessee, the Department of Transportation, and its employees for any loss of business caused by any damage to or removal of background sign panels, logo signs or trailblazer signs.
- (2) An interchange which was an eligible location for the Logo Sign Program as of March 9, 1989, shall continue to be an eligible location notwithstanding changes in the urbanized area boundary. An interchange which became an eligible location at a later date shall be unaffected by changes in the urbanized area boundary for the duration of the term of the contract between the Department and the contractor in effect at the time of any such change.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.05 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.05 Services Permitted.

- (1) Eligible motorist service facilities shall comply with the laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin, and the laws concerning the granting of licenses and approvals for motorist service facilities.
- (2) The types of motorist service facilities shall be limited to gas, food, lodging, camping or attraction. To qualify for the Logo Sign Program and to display a logo sign on a background sign panel, the following minimum criteria must be met:
 - (a) Gas
 1. Vehicle services, which shall include fuel, oil, air and water;
 2. Drinking water suitable for public use and two or more clean public rest rooms, with at least one for men and one for women, must be available during all hours the facility is open to the public;
 3. Continuous operation at least sixteen (16) hours per day, seven (7) days a week; and
 4. Located not more than three (3) miles from the PPOI and meet the requirements set forth in Rule 1680-03-03-.06
 - (b) Food
 1. A valid permit as required by the Hotel, Food Service Establishment and Swimming Pool Inspection Act of 1985 as stipulated in T.C.A. Title 68, Chapter

14, Part 3, and all other licenses and approvals as required by local governmental bodies;

2. Continuous operation, six (6) days a week and opening not later than 7:00 a.m., serving breakfast, and closing no earlier than 8:00 p.m. A business which is only open six (6) days a week must identify the day of closure on its logo, e.g. Closed Sunday, with six inch letters located on the lower one third of the business logo which contrast in color to the color of the logo background.
3. On-premise seating for at least twenty-five (25) persons;
4. Two (2) or more clean public rest rooms, with at least one (1) for men and one (1) for women, must be available during all hours the facility is open to the public; and
5. Located not more than three (3) miles from the PPOI and meet the requirements as set forth in Rule 1680-03-03-.06.
6. A business that meets all criteria set forth above will be considered "fully qualified." A business that meets the distance criteria but not all of the other criteria will be considered "partially qualified." A fully qualified business shall have priority over a partially qualified business. If a business is approved for the space as a fully qualified business, but then changes to become only partially qualified, said business may have its contract revoked.

(c) Lodging

1. All appropriate State and local licenses or approvals;
2. Off street parking;
3. A minimum of twenty (20) sleeping units;
4. A private entrance and rest room which has hot and cold water and a tub or shower for each sleeping unit;
5. Continuous operation 24 hours a day, and;
6. Located not more than three (3) miles from the PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06.

(d) Camping

1. All appropriate State and local licenses and approvals, including health permits;
2. Continuous operation for at least six (6) months of the year.
 - (i) The contract between the business and the contractor shall specify the seasonal opening and closing dates of operation for the campground, and the logo signs of tile business shall indicate the specific dates that the campground is open for operation.
 - (ii) The business will be required to pay the total annual fee to the contractor regardless of the number of months of operation.

3. A campground shall consist of a minimum of ten (10) individual campsites each having accommodations for potable water and electrical hook-ups for conventional travel trailers, tents and campers;
4. Parking spaces for each campsite;
5. Each campsite shall have a minimum area of three hundred (300) square feet;
6. A sanitary disposal system for travel trailers and campers;
7. Separate shower facilities for men and women with hot and cold running water and two (2) or more rest rooms, one (1) for men and one (1) for women;
8. A full-time attendant on duty or on call twenty-four (24) hours a day to maintain and manage campground services; and
9. Located not more than fifteen (15) miles from the PPOI and meet the requirements as set forth in Rule 1680-03-03-.06.

(e) Attraction

1. Adequate parking for the facility with a minimum of twenty (20) spaces;
2. Year-round operation and open to the public at least five (5) days a week, including at least one day on the weekend;
3. Located not more than fifteen (15) miles from the PPOI and meet the requirements as set forth in Rule 1680-03-03-.06;
4. Two (2) or more clean public rest rooms, with at least one (1) for men and one (1) for women, must be available during all hours the facility is open to the public;
5. Open to members of the public of all age groups, and excluding businesses open only to adults, and;
6. Open to walk-ins. No appointments required.
7. Categories of businesses eligible for an attraction sign may include:
 - (i) Arenas or stadiums,
 - (ii) Cultural centers,
 - (iii) Amusement parks,
 - (iv) Zoos or aquariums,
 - (v) Race tracks,
 - (vi) Historical sites,
 - (vii) Museums,
 - (viii) Arts or crafts,
 - (ix) Wineries or breweries,
 - (x) Golf courses,
 - (xi) Recreational areas, and
 - (xii) Shopping, Outlet or Antique Malls.
8. A business that meets all criteria set forth above will be considered "fully qualified." A business that meets the distance criteria and is open to walk-ins but does not meet all of the other criteria will be considered "partially qualified." A fully qualified business shall have priority over a partially qualified business. If a

business is approved for the space as a fully qualified business, but then changes to become only partially qualified, said business may have its contract revoked.

9. An attraction shall not be eligible to participate in the Logo Sign Program if a guide sign has been erected for the attraction in accordance with Chapter 1680-03-02, Manual on Uniform Traffic Control Devices - Supplemental Rules for Guide Signs on Freeways, Expressways and Conventional Highways.

Authority: T.C.A. §§ 54-5-1101 and 54-5-1108.

Rule 1680-3-3-.06 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.06 Measurements.

- (1) For the purpose of determining which business in each category will receive priority for the Logo Sign Program, the following will apply;
 - (a) The business having the shortest eligibility distance from the PPOI will have priority. In the event that two businesses have the same eligibility distance, the business with the shortest priority distance will have preference. This process will continue in ascending order as the eligibility distance increases from the PPOI until all positions on the background sign panel are filled.
 - (b) To qualify, the business must meet one of the following criteria-
 1. Gas, food and lodging;
 - (i) The business shall be located on the crossroad within three (3) miles of the PPOI, and either the business or its on-premise sign shall be readily identifiable from the crossroad.
 - (ii) If the crossroad is less than three (3) miles in length and terminates with a thoroughfare, a business may qualify provided it is located on the thoroughfare and is three (3) miles or less from the PPOI and either the business or its on-premise sign is readily identifiable from the thoroughfare. (See Rule 1680-03-03-.13, Figure 9)
 2. Campgrounds and attractions:
 - (i) A campground or attraction shall be located within fifteen (15) miles of the PPOI.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.07 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.07 Application Process.

- (1) Any business that wishes to participate in the Logo Sign Program shall complete and submit a signed application to the contractor.
- (2) A business may qualify to provide more than one motorist service under the Logo Sign Program, provided it meets all the requirements of these rules. If a business wishes to have a

separate logo sign for each motorist service it provides, the business must submit a separate signed application for each motorist service.

- (3) If an application is approved, the contractor shall issue a "Notice of Eligibility." A "Notice of Eligibility" shall be issued regardless of the availability of space on the background sign panel for which the business has applied.
- (4) The "Notice of Eligibility" will be kept on file by the contractor for three (3) years from the date it is issued.
- (5) Should the contractor deny an application, the contractor shall provide by certified mail or hand delivery (and obtain a signed receipt) a "Notice of Non-Eligibility" to the business, outlining the facts that warranted the denial.
- (6) A business may be bumped from a sign at the end of its existing contract. In order to bump a business, the new business must submit an application at least sixty (60) days prior to the contract end date for the business that will be bumped. A new business that has a shorter eligibility distance than a business with a current sign may bump that business from the sign. However, a new food or attraction business that is fully qualified but with a longer eligibility distance may bump a business that is partially qualified but with a shorter eligibility distance. All other criteria contained in these rules shall apply.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.08 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.08 Space Available Notification.

- (1) When space is available on a background sign panel, the contractor will:
 - (a) Contact any establishment that is open for business at the interchange and has a shorter eligibility distance than a business with a current "Notice of Eligibility" on file with the contractor or a current participant of the Logo Sign Program. This establishment must be provided the opportunity to submit an application to participate in the Logo Sign Program; and,
 - (b) Approve or deny the establishment's application based upon the requirements of these rules; and,
 - (c) Issue a "Notice of Space Availability" to the business with the current shortest eligibility distance that hold a "Notice of Eligibility," and,
 - (d) Make such inquiries, investigations and inspections as necessary to insure that the business continues to meet the eligibility requirements set out in these rules.
- (2) The contractor will notify the business of the required number of mainline, exit ramp and trailblazer logo signs required.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.09 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.09 Termination of Participation.

- (1) The Department or the contractor may inspect a business at any time during its contract period to assure that the business continues to meet the eligibility requirements set out in these rules.
- (2) The agreement between the contractor and the business shall contain provisions that cover breach of contract by the business. The following concepts shall be included within the provisions:
 - (a) A business believed by the contractor to be breaching the contract, for any reason, shall be given a reasonable period of time to remedy the situation.
 - (b) Should the business fail to remedy the situation, its logo sign(s) shall be removed and the contract terminated with no pro-ration of monies paid.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.10 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.10 Sign Composition.

- (1) All logo signs (main, exit ramp and trailblazer) shall have a blue background and a silver-white border.
 - (a) Symbols or trademarks shall be reproduced in the colors and shape consistent with customary use, and any integral legend shall be proportional in size.
 - (b) Messages, symbols and trademarks which resemble any official traffic control device are prohibited.
 - (c) Logo signs furnished to the contractor shall be constructed of aluminum, 0.080 inches thick, and conforming to American Society of Testing and Materials (ASTM)-B 209 Alloy 606 1 -T6 or 5052-1138.
 - (d) The logo sign blanks shall be flat and contain no visible lateral bow.
- (2) The logo sign shall be fabricated from encapsulated lens reflective sheeting and shall meet Tennessee Standard Specification 916.06, material Type II. The process color used for screening the business logo on the encapsulated lens background shall be as recommended by the manufacturer of the reflective sheeting.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.11 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-03-03-.11 Business Logo Dimensions and Details.

- (1) Mainline business logo signs for all types of services will be 48" x 36" in size, 0.080" in thickness, and will have a 3" border radius and a 1/4" border width.
- (2) Exit ramp business logo signs for all types of services will be 24" x 18" in size, 0.080" in thickness, and will have a 1 1/2" border radius and a 3/8" border width.
- (3) Trailblazer logo signs will be 24" x 18" in size, 0.080" in thickness, and will have a 1 1/2" border radius and a 3/8" border width.

Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.12 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

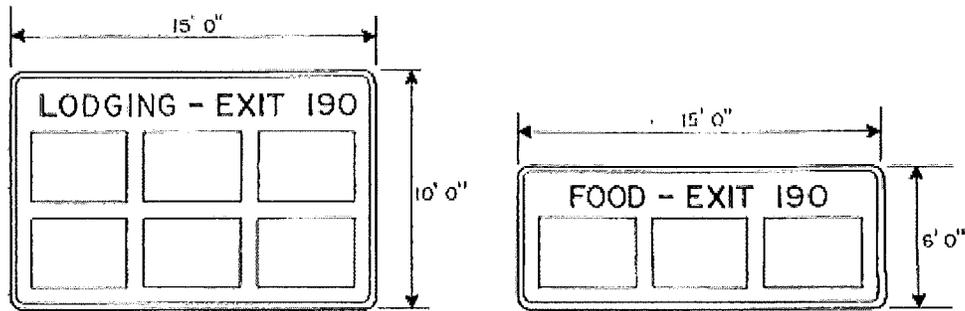
1680-03-03-.12 Business Logo Sign Maintenance.

- (1) The contractor will perform all maintenance work on all background sign panels, trailblazer signs and sign supports that are a part of the Logo Sign Program.
- (2) When the logo sign of a business becomes damaged because of acts of vandalism, natural causes, or accidental damage, the business will provide, at its expense, a new logo sign to the contractor unless the damage was caused by the contractor or its agent. If the contractor or its agent damages the logo sign of a business, the contractor will be responsible for the cost of replacement.
- (3) If in the opinion of the Department or the contractor, a logo sign of a business becomes unsightly, badly faded, or in a state of disrepair, the business shall provide at its expense a new or refurbished logo sign to the contractor upon request.

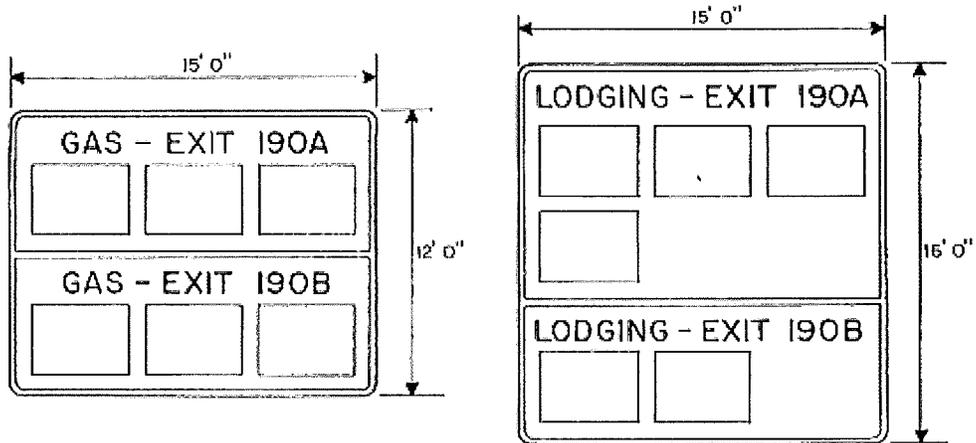
Authority: T.C.A. § 54-5-1108.

Rule 1680-3-3-.13 is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

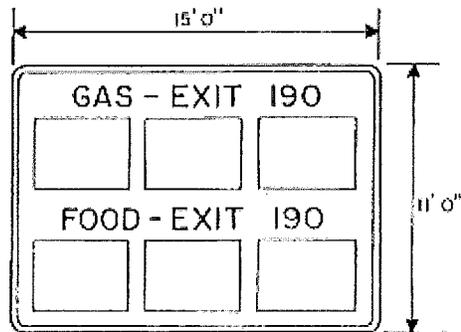
1680-03-03-.13 Appendix.



TYPICAL MAINLINE BACKGROUND SIGN PANEL DETAIL (SINGLE EXIT RAMP INTERCHANGE)



TYPICAL MAINLINE BACKGROUND SIGN PANEL DETAIL (DOUBLE EXIT RAMP INTERCHANGE)



TYPICAL COMBINATION MAINLINE BACKGROUND SIGN PANEL

FIGURE 1

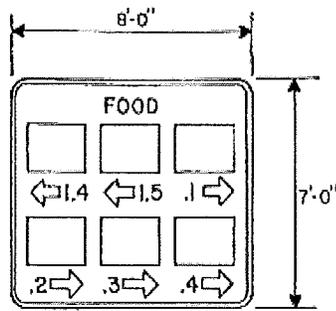


FIGURE 2: TYPICAL EXIT RAMP BACKGROUND SIGN PANEL DETAIL

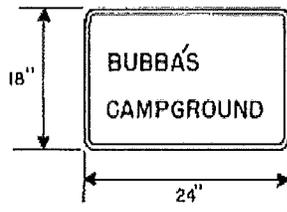


FIGURE 3: TYPICAL TRAILBLAZER SIGN DETAIL

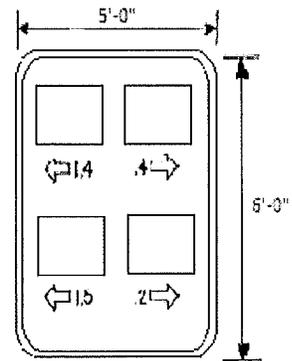


FIGURE 4: TYPICAL TRAILBLAZER BACKGROUND PANEL DETAIL

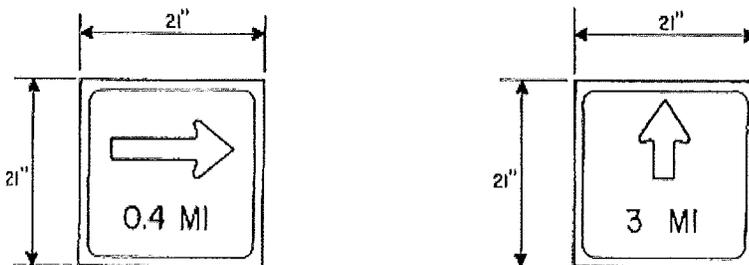


FIGURE 5: TYPICAL DIRECTION ARROW & MILEAGE DETAIL

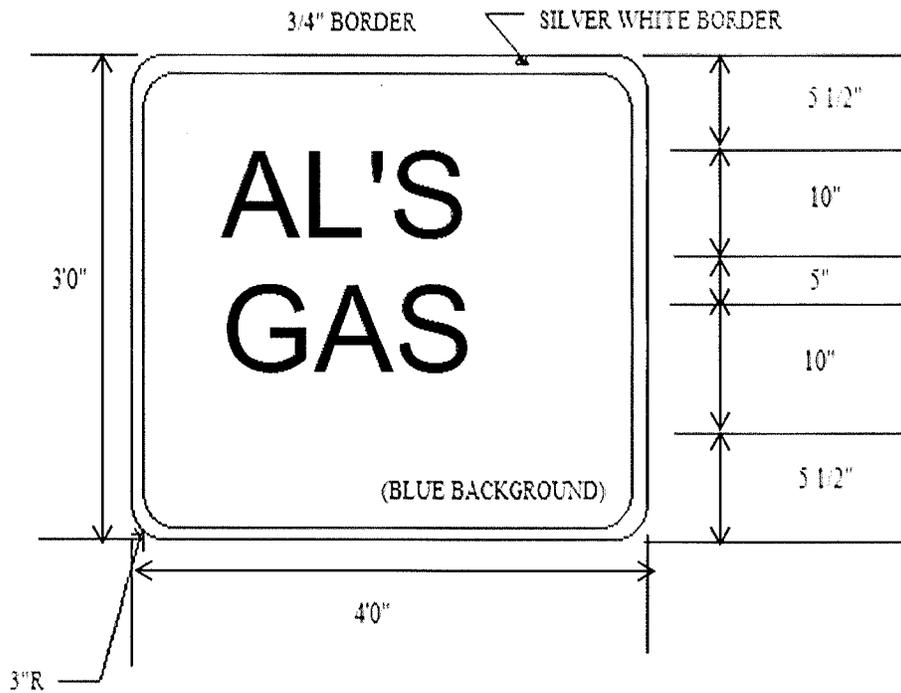


FIGURE 6: TYPICAL MAINLINE LOGO SIGN DETAIL
(FOR ALL MOTORIST SERVICES)

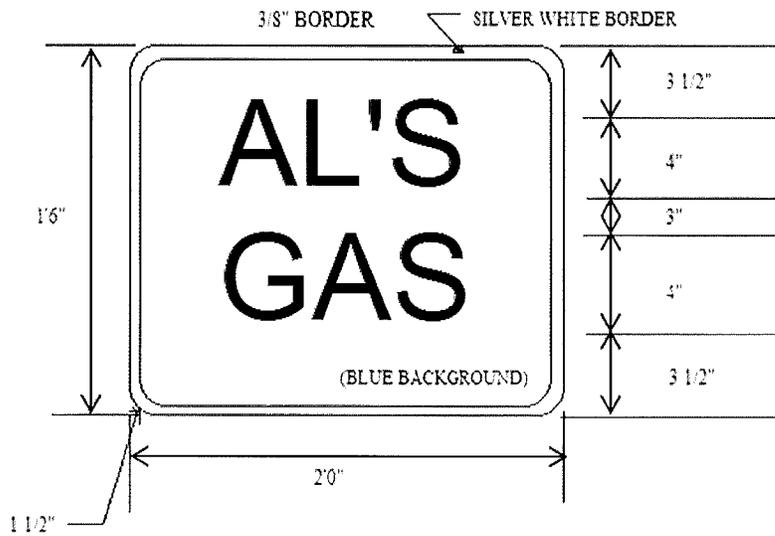


FIGURE 7: TYPICAL EXIT RAMP LOGO SIGN DETAIL
(FOR ALL MOTORIST SERVICES)

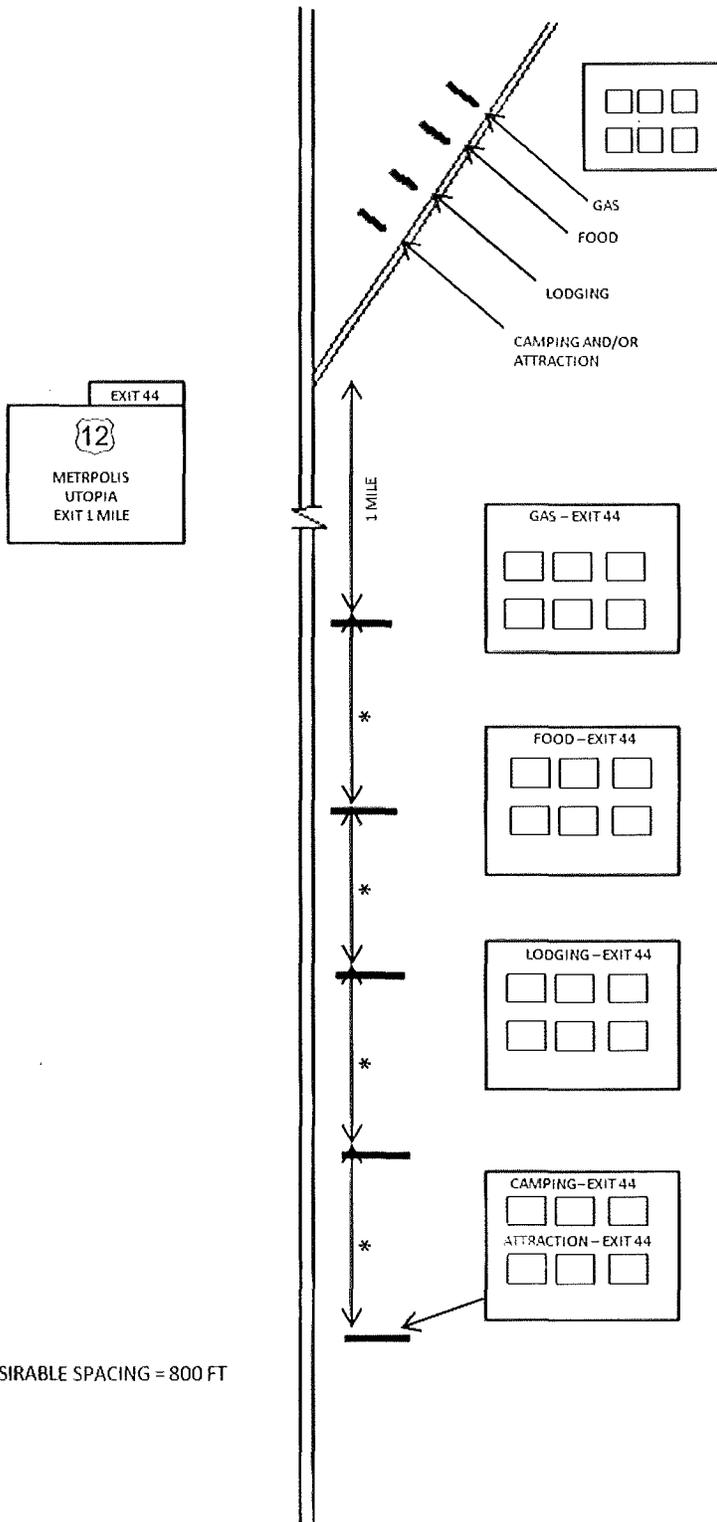


FIGURE 8: TYPICAL SIGN LOCATION DETAIL

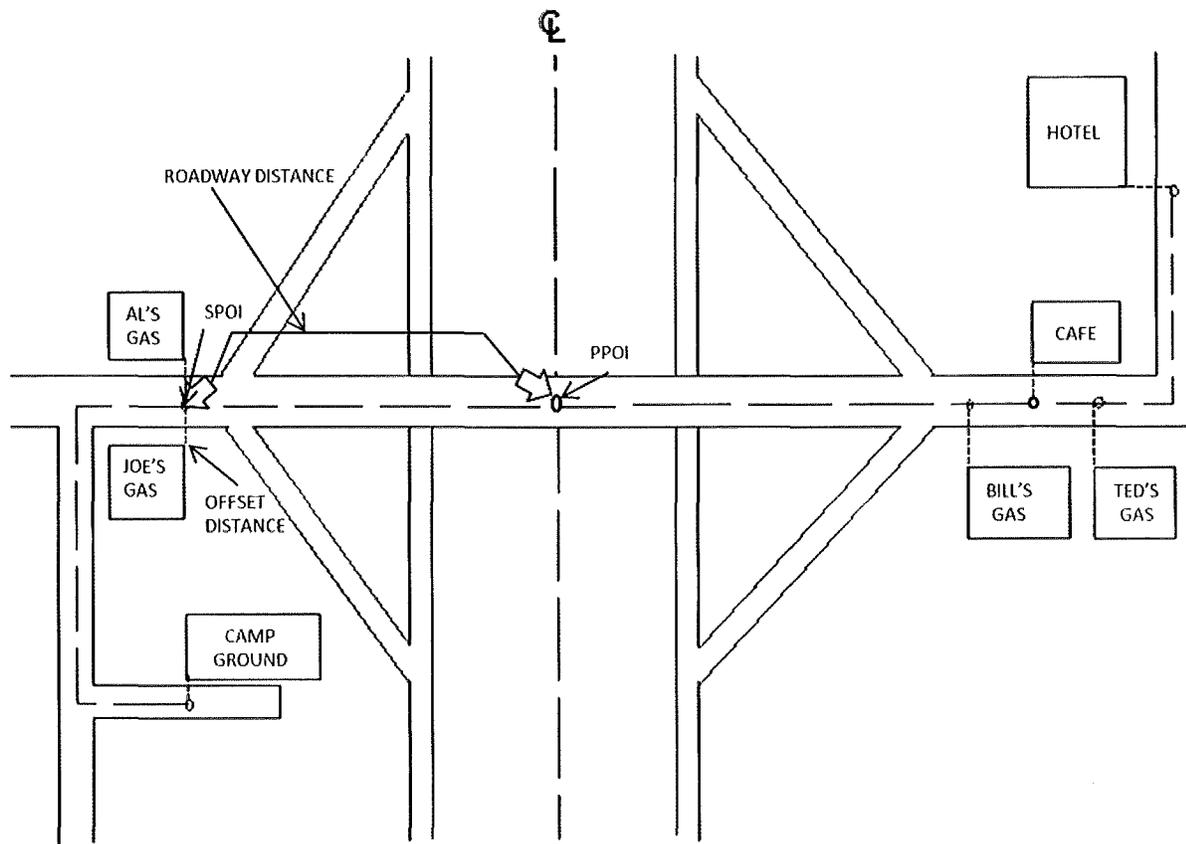


FIGURE 9

Authority: T.C.A. § 54-5-1108.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

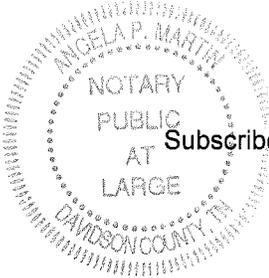
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 3-7-2014 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 3-7-2014

Signature: [Handwritten Signature]

Name of Officer: John C. Schroer

Title of Officer: Commissioner



Subscribed and sworn to before me on: 3-7-2014

Notary Public Signature: Angela P. Martin

My commission expires on: 3-8-2016

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]
 Robert E. Cooper, Jr.
 Attorney General and Reporter
5-9-14
 Date

Department of State Use Only

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 2014 MAY 14 AM 9:13
 OFFICE OF
 SECRETARY OF STATE

Filed with the Department of State on: 5/14/14

Effective on: 10/29/14

[Handwritten Signature]
 Tre Hargett
 Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Rule 1680-03-03-.01: The Department anticipates that there is a potential impact on small businesses, but any impact should be positive as this rule change now allows for logo signs within the urbanized boundaries of large cities at the request of the local government and allows for logo signs on freeways, rather than only on Interstate highways.

Rule 1680-03-03-.02: The Department does not anticipate any significant impact on small businesses, as this rule change merely removes an outdated reference to telephones and corrects typographical errors.

Rule 1680-03-03-.03: The Department anticipates that there is a potential impact on small businesses. This rule change is made to conform to the new standards set forth in T.C.A. § 54-5-1103, which was amended in 2013. The amended rule spells out that the Department will follow the statute in awarding contracts for the administration of the logo signs. While administrative contracts previously had been awarded based upon the lowest cost to the logo sign customer, the statute now calls for future contracts to be awarded to the contractor whose proposal offers the "best value for the state," which may mean a higher cost for the logo sign customer.

Rule 1680-03-03-.04: The Department anticipates that there is a potential impact on small businesses, but any impact should be positive as this rule change provides details for the allowance of logo signs within the urbanized boundaries of large cities. In addition, this rule change corrects typographical errors and contains edits for clarity.

Rule 1680-03-03-.05: The Department anticipates that there is a potential impact on small businesses, as this rule change provides that for Food businesses, the minimum required space for seating is expanded to include outdoor seating. For Attraction business, this rule change adds a requirement that such businesses must be open to walk-ins with no appointment required. In addition, this rule change corrects typographical errors.

Rule 1680-03-03-.06: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.07: The Department does not anticipate any significant impact on small businesses, as this rule change adds a description of the process by which a new, more qualified business may "bump" another business from a logo sign at the end of its contract. This addition spells out the existing practice of the Department.

Rule 1680-03-03-.08: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.09: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors and contains edits for clarity.

Rule 1680-03-03-.10: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.11: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.12: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects the rule number to conform to the current numbering scheme.

Rule 1680-03-03-.13: The Department does not anticipate any significant impact on small businesses, as this rule change adds a figure to the Appendix showing a "Typical Trailblazer Background Panel Detail." This addition spells out the existing practice of the Department.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Rule 1680-03-03-.01: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.02: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.03: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.04: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.05: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

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Rule 1680-03-03-.12: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.13: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These are amendments to the rules regarding Specific Service Signs, otherwise known as Logo Signs, which provide business identification and directional information for essential motorist services (gas, food, lodging, camping, attraction) on freeways.

The majority of the rule changes are typographical and housekeeping edits; however, there are three relevant changes to discuss in detail:

Rule .01 – Preface and Rule .04 – Criteria for the Erection of Signs for the Logo Sign Program are changed to permit logo signs within the urbanized area boundary of cities of 100,000 or greater population, provided there is sufficient space for the background sign panel, at the discretion of the Commissioner. This will increase the overall number of opportunities for signs, as the present rules do not allow logo signs within the urbanized area boundary of these large cities. Rule .01 is amended to allow logo signs on freeways, rather than only on Interstate highways, which spells out the existing practice of the Department. Rule .04 is amended to prohibit logo signs at interchanges where two freeways meet, which also spells out the existing practice of the Department.

Rule .03 – General Provisions is changed to conform to the new standards set forth in T.C.A. § 54-5-1103, which was amended in 2013. The new rule spells out that the Department will follow the statute in awarding contracts for the administration of the logo signs. While administrative contracts previously had been awarded based upon the lowest cost to the logo sign customer, the statute now calls for future contracts to be awarded to the contractor whose proposal offers the “best value for the state,” which may mean a higher cost for the logo sign customer. The statutory factors include:

- (1) The quality of service offered;
- (2) The contractor's overall qualifications to partner with the department. This includes determining fair market value of advertising space and establishing a fee structure that provides a combination of revenue to the department and fair pricing to the advertisers;
- (3) The contractor's financial resources and ability to perform;
- (4) The percentage of revenue sharing provided to the department by the contractor; and
- (5) Any other factor the department considers relevant.

Rule .07 – Application Process is amended to include a description of the process by which a new, more qualified business may “bump” another business from a logo sign at the end of its contract. This addition spells out the existing practice of the Department.

In addition, each rule has been renumbered to conform to the current numbering scheme (i.e. from Chapter 1680-3-3 to Chapter 1680-03-03).

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are promulgated pursuant to the rulemaking authority codified in T.C.A. § 54-5-1108.

T.C.A. § 54-5-1103 was amended in 2013. While administrative contracts previously had been awarded based upon the lowest cost to the logo sign customer, the statute now calls for future contracts to be awarded to the contractor whose proposal offers the “best value for the state,” which may mean a higher cost for the logo sign customer. The statutory factors include:

- (1) The quality of service offered;
- (2) The contractor's overall qualifications to partner with the department. This includes determining fair market value of advertising space and establishing a fee structure that provides a combination of revenue to the department and fair pricing to the advertisers;
- (3) The contractor's financial resources and ability to perform;

- (4) The percentage of revenue sharing provided to the department by the contractor; and
(5) Any other factor the department considers relevant.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Businesses seeking to have a logo sign and contractors seeking the administrative contracts are affected by these rule changes.

- (D) Identification of any opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is a potential increase in state revenue for the Logo Sign Program due to the above-described amendment to T.C.A. § 54-5-1103.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Leslie S. South, Assistant General Counsel
Joseph V. Sweat, Operations Specialist 3

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

John H. Reinbold, Sr., General Counsel
Leslie S. South, Assistant General Counsel
Joseph V. Sweat, Operations Specialist 3

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

John H. Reinbold, Sr., General Counsel
505 Deaderick Street
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Nashville, TN 37243
(615) 741-2941
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Nashville, TN 37243
(615) 532-3431
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- (l) Any additional information relevant to the rule proposed for continuation that the committee requests.

Contact person for obtaining a disc copy of these Proposed Rules:

Leslie S. South, Assistant General Counsel
6601 Centennial Boulevard
Nashville, TN 37243
(615) 350-4241
leslie.south@tn.gov

**RULES
OF
TENNESSEE DEPARTMENT OF TRANSPORTATION**

**CHAPTER 1680-03-03
SPECIFIC SERVICE SIGNS (LOGO SIGN PROGRAM)**

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1680-03-03-.05 Services Permitted	1680-03-03-.13 Appendix 1680-03-03-.11 Business Logo Sign Dimensions
1680-03-03-.06 Measurements	1680-03-03-.12 Business Logo Sign Maintenance
	1680-03-03-.13 Appendix

1680-03-03-.01 PREFACE.

- (1) Specific service signs (hereafter referred to as Logo Signs) provide the traveling public with business identification and directional information for essential motorist services. ~~The scope of the Logo Sign Program in Tennessee will be limited to rural highways. Logo signs will be permitted at interchanges on the Interstate Highway System~~freeways that are located outside of the Census Boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census. In addition, logo signs will be permitted on freeways within the urbanized area boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census, upon written request by the local government, provided all the criteria are met as described in these rules, at the first interchange within the Census Boundary of such cities and at any other interchange within the Census Boundary of such cities where the area adjacent to the interchange is rural in character.
- (2) The following rules set forth the criteria to be followed in the administration of the Logo Sign Program. If questions arise in the interpretation of these rules, the Commissioner of the Tennessee Department of Transportation, or the Commissioner's designee, will make the final administrative determination. These rules supersede all prior rules related to gas, food, lodging, and camping or attraction service signs.

Authority: T.C.A. §§ 54-5-1101 and 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed September 7, 1990; effective October 22, 1990. Amendment filed May 20, 1997; effective September 18, 1997. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.01 filed and effective February 1, 2003.

1680-03-03-.02 DEFINITIONS.

- (1) "Background Sign Panel" means an official sign panel placed within the ~~Interstate~~freeway right-of-way along the mainline of travel or exit ramp with the words Gas, Food, Lodging, Camping or Attraction, or a combination thereof, and with space where one to six individual business logo signs may be attached.
- (2) "Business" means any approved public commercial facility that provides one of the five qualifying motorist services eligible to participate in the Logo Sign Program.

(Rule 1680-03-03-.02, continued)

- (3) Commissioner means the Commissioner of the Tennessee Department of Transportation.
- (4) Contractor means the firm awarded the administrative services contract by the Department for the marketing, management, and maintenance of the Logo Sign Program.
- (5) Department means the Tennessee Department of Transportation.
- (6) Disadvantaged Business Enterprise means a small business concern that is certified as a "Disadvantaged Business Enterprise" pursuant to the "Rules of the Tennessee Department of Transportation Contract Compliance Office, Chapter 1680-08-01, Certification of Disadvantaged Business Enterprises: CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES."
- (7) Double Exit means an interchange design where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, with one ramp for each direction of travel on the crossroad.
- (8) Eligibility Distance means the total roadway distance plus the offset distance to the primary point of entrance to a business. (See Rule 1680-03-03-.13, Figure 98 for an example.)
- (9) Exit Ramp means the travel lane at an interchange on an Interstate highway a freeway leading from the mainline to the intersecting crossroad.
- (10) Freeway means a divided highway with full control of access.
- (11) Logo Sign means an individual sign of a participating business in the Logo Sign Program that consists of the business's name, trademark, logo, or combination of same. This is the sign that is attached on the background sign panels.
- (124) Mainline means the through travel lanes of an Interstate highway a freeway.
- (132) "Motorist Service" means a place of business providing either Ggas, Food, Lodging, Camping or Attraction facilities.
- (143) MUTCD means the Manual on Uniform Traffic Control Devices.
- (154) Offset Distance means the distance measured from the secondary point of intersection (SPOI) to the nearest corner of the business's building. If the building has an offset the corner that will provide for the shortest eligibility distance will be used for measurement purposes. (See Rule 1680-03-03-.13, Figure 89 ~~let~~for an example.)
- (165) PPOI (Primary Point of Intersection) means the point at which the centerline of the median on the Interstate-freeway facility intersects with the centerline of the crossroad. When the crossroad has more than two lanes, the centerline of the median, bridge or the exact center of the roadway surface crossing the Interstate-freeway mainline will be used. (See Rule 1680-03-03-.13, Figure 98 for an example.)
- (176) Priority Distance means the distance measured from the Secondary Point of Intersection (SPOI) to the center of the main doorway of the business. (Used only in case of ties in eligibility distance measurements. See Rule 1680-03-03-.13, Figure 98 for an example.)
- (187) Rest Room means a clean private rest room, having at least one flush toilet and at least one sink with running water, in working order.

(Rule 1680-03-03-.02, continued)

- (198) Roadway Distance means the distance measured from the Primary Point of Intersection (PPOI) along the centerline of the crossroad or other public/private roadway leading to the Secondary Point of Intersection (SPOI).
- (2049) Single Exit means an interchange design where, for a given direction of travel on the mainline, only one exit ramp provides access to the crossroad.
- (210) SPOI (Secondary Point of Intersection) means the point at which the center line of the public or private thoroughfare providing direct access to the business facility intersects with a perpendicular line to the nearest corner of the business building.
- (21) Telephone means a coin operated or business owned telephone which is available for use by the public during business hours.
- (22) Tennessee-Based Business Enterprise means a person or entity that has an office in the State of Tennessee.
- (232) Trailblazer Background Panel means an official sign panel placed before the intersection where a turn is required to get to the business to display Trailblazer Signs. These are placed at intersections with 3 or more trailblazers signs.
- (243) Trailblazer Sign means the sign used in the Logo Sign Program that indicates the name, direction and distance to a motorist service.
- (254) Urbanized Area Boundary means that boundary identified as the Census Boundary by the United States Bureau of Census for a specific geographical location.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed September 7, 1990; effective October 22, 1990. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.02 filed and effective February 1, 2003.

1680-03-03-.03 GENERAL PROVISIONS.

- (1) The Department has the authority to provide for the construction and administration of the Logo Sign Program. Construction Contract(s)
- (a) Construction contract(s): The Department has the authority to provide for the construction and administration of the Logo Sign Program.
- (b) The Department may enter into contract(s) for the construction of logo sign background sign panels. Such contract(s) shall be subject to the provisions of T.C.A., Title 54, Chapter 5, Sections 113 through 127 inclusive, and shall be awarded to a Tennessee based business enterprise
- (c) The construction contract(s) shall be for the construction and erection of the background sign panels.
- (d) Disadvantaged Business Enterprises shall participate in ten percent (10%) of all contract(s) entered into by the Department for construction of signs in the Logo Sign Program.
- (b) (2) Administrative Services Contract(s):

(Rule 1680-03-03-.023, continued)

- (a) ~~The Department may enter into contract(s) for administration of the Logo Sign Program. The contract(s) will be subject to the provisions of TCA, Title 12, Chapter 4, Sections 109 through 111, inclusive, and shall be subject to the provisions of T.C.A. §54-5-1103 awarded to a Tennessee-based business enterprise.~~
- (2) ~~Contracts shall be awarded to Tennessee-based business enterprises pursuant to T.C.A. §54-5-1105.~~
- ~~1. The administrative services contract(s) shall include the marketing and management of the Logo Sign Program, as well as the maintenance of the background sign panels.~~
 - ~~2. The administrative services contract(s) shall be awarded to the Tennessee based business enterprise that offers the lowest responsible bid, and shall be awarded on an objective competitive basis. The basis of all bids shall be the least cost to the retail (business) user of the Logo Sign Program.~~
 - ~~(i) In order to determine whether a bidder is responsible, the Department shall require any person or entity to submit information demonstrating capability to provide the administrative services. Before any person or entity may receive a Request for Proposal such person or entity must be pre-qualified with the Department, so that the public interest may be best served.~~
 - ~~(ii) All persons, corporations, or other entities, having the ability to perform the administrative services will be allowed to compete freely without unreasonable restrictions.~~
 - ~~(iii) For any one contract, all bidders will respond to the same Request For Proposal, so that they may bid on the same proposition and on the same terms.~~
 - ~~(iv) The Request For Proposal shall include the following provisions:
 - ~~(I) Specifications of the services to be provided;~~
 - ~~(II) The time frame for delivery of services;~~
 - ~~(III) The deadline for submitting bids, the person to whom the bids should be addressed, and the address of the office to which the bids should be submitted; and,~~
 - ~~(IV) The time and place that the bids will be opened.~~
 - ~~(V) The right is reserved to reject any or all Proposals, to waive technicalities or to advertise for new Proposals, if in the judgement of the awarding authority, the best interest of the Department will be promoted thereby.~~~~
- (3) ~~The Contractor will enter into separate agreements with all approved applicants (businesses) that have received a Space Available Notification as described in Rule 1680-3-3-.08. This agreement will provide, among other things for the costs to participate in the Logo Sign Program by the user (business).~~

(Rule 1680-03-03-.023, continued)

Authority: T.C.A. §§ 54-5-1103, 54-5-1105, and 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.03 filed and effective February 1, 2003.

1680-03-03-.04 CRITERIA FOR THE ERECTION OF SIGNS FOR THE LOGO SIGN PROGRAM.

- (1) The Department will allow the erection and maintenance of signs for the Logo Sign Program in accordance with the ~~Manual on Uniform Traffic Control Devices (MUTCD)~~, these ~~Rules and Regulations~~, and contract provisions. However, to minimize the interference with the more critical regulatory, warning and guide signs, the logo sign background sign panels will be erected prior to the advance guide sign on the mainline, where possible, and at close spacing on the exit ramp. In addition to the aforementioned, the following criteria ~~will~~ should be met:
 - (a) The desired spacing between each mainline background sign panel should be at least ~~eight hundred feet (800') feet~~, and the mainline background sign panel shall not conflict or interfere with any other official highway guide sign.
 - (b) Exit ramp background sign panels shall not be erected where the ramp terminus offers no options for turns. However, where no businesses are visible from the terminus, the ~~Contractor~~ may install trailblazer signs at a location determined by the Department and in conformance to specifications for trailblazer signs.
 - (c) There shall be no more than a total of four background sign panels along the approach to any interchange, in each direction of travel, and no more than one background sign panel shall be erected for each eligible motorist service. The background sign panels ~~shall~~ should be erected in the following order in relation to the direction of travel: first, ~~Attraction and/or Camping~~; second, ~~Lodging~~; third, ~~Food~~; and fourth, ~~Gas~~.
 1. A separate background sign panel shall be erected for each type of motorist service, except where no more than three approved businesses are available for each of two types of services. The Department in that case may elect to display a background sign panel for two types of services on the same background sign panel.
 2. A business will have its logo signs installed at an interchange that provides it with the shortest eligibility distance.
 3. A business may have logo signs installed at a second interchange, provided it meets all the requirements as set fourth in these ~~Rules and Regulations~~ and the business does not prevent another eligible business from participating in the Logo Sign Program at that interchange.
 4. The number of logo signs on the background sign panel shall be limited to six for each motorist service.
 5. The placement of individual logo signs on all background sign panels will be as follows:
 - (i) All businesses that are accessible via a left turn from the exit ramp terminus will be placed first.
 - (ii) All businesses that are accessible via a right turn from the exit ramp terminus will then be placed.

(Rule 1680-03-03-.04, continued)

- (iii) The logo signs of all businesses will be placed according to eligibility distance from each direction of turn, starting with the logo sign of the business with the shortest eligibility distance and going to the logo sign of the business with the greatest eligibility distance.
6. A business is eligible to participate in the Logo Sign Program provided that it offers at least one of the specific motorist services (Ggas, Ffood, Llodging, Ccamping or Aattraction) and it meets the applicable minimum criteria set forth in Rule 1680-03-03-.05.
 7. In the event that a business provides more than one motorist service, it may be eligible to display a logo sign for each service it provides on the proper background sign panel, provided the following conditions are met:
 - (i) It meets all minimum criteria for the service,
 - (ii) It does not prevent participation by another business which offers a sole service and would otherwise qualify for placement on the background sign panel,
 - (i) ~~(iii)~~ Space is available on the background sign panel.
 8. Within the urbanized area boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census, the total number of boards at each individual interchange may vary based on the space allowance, but the total number shall not exceed four. Priority will be as follows: first, gas and/or food; second, lodging; and third, attraction and/or camping.
- (d) At interchange approaches having a single exit, each background sign panel shall bear the type of service followed by the exit number on a line above the logo signs.
 - (e) On interchange approaches having a double exit, each background sign panel shall consist of two sections.
 1. The top section shall bear the type of service and display the logo sign for the businesses accessible from the first exit.
 2. The lower section shall bear the type of service and display the logo sign for the businesses accessible from the second exit.
 3. The exit number shall be displayed on a line above the logo signs in each section.
 4. When a motorist service is to be signed at only one of the two exits, one section of the background sign panel may be omitted or a single exit interchange background sign panel may be employed.
 - (f) All businesses displayed on a mainline background sign panel will also be displayed on the exit ramp background sign panel. This only applies to interchanges that are eligible for exit ramp background sign panels.
 1. Exit ramp background sign panels shall consist of a logo sign identical to but smaller than the logo sign on the mainline background sign panel.

(Rule 1680-03-03-.04, continued)

2. The arrangement of individual logo signs on an exit ramp background sign panel will be the same as the arrangement of logo signs as stipulated in Rule ~~1680-03-03-.04-(l)-(c)-5~~.
 3. There will be directional arrows and mileage to each business on the exit ramp background sign panels at single exit interchanges. (See Rule 1680-03-03-.13, Figure 2.)
- (g) ~~No descriptive advertising words, phrases or slogans shall be allowed on any logo sign. Descriptive advertising words, phrases, or slogans shall not be allowed on any logo sign, except to indicate dates of operation of eligible campgrounds that open on a seasonal basis, to indicate that a business is "open 24 hours," or that a business offers "diesel" or "auto diesel fuel," or other as approved by TDO~~the Department. If more than ~~two (2)~~² descriptive words, phrases, or slogans are requested, approval must be obtained from TDOthe Department.
- (h) The distance that a ~~GAS~~gas, ~~FOOD~~ food or ~~LODGING~~ lodging motorist service business can be located from the ~~Primary Point of Intersection (PPOI)~~ to qualify for a logo sign shall not exceed three (3) miles in either direction. The distance that a ~~C~~amping or ~~A~~attraction motorist service business can be located from the ~~Primary Point of Intersection (PPOI)~~PPOI to qualify for a logo sign shall not exceed fifteen (15) miles in either direction.
- (i) Trailblazer signs may be installed to indicate the need for a turn when the crossroad terminates. In addition, trailblazer signs ~~may~~ should be used to indicate whenever a turn is needed to reach an eligible business. All trailblazer signs will have a supplemental sign showing a directional arrow and mileage to the business.
1. Where the road on which the trailblazer sign is needed is a ~~S~~state ~~H~~highway, the qualifying business will furnish the ~~C~~contractor with the appropriate trailblazer signs. The ~~C~~contractor will erect and maintain all trailblazer signs.
 2. Where the road on which the trailblazer sign is needed is a city or county road, it shall be the responsibility of the business to make arrangements with the appropriate local governmental agency allowing the contractor to erect and maintain the trailblazer sign(s).
 3. Trailblazer signs shall consist of a logo sign identical to but smaller than a mainline logo and a supplemental directional arrow and mileage sign. (See rule 1680-03-03-.13, Figures 3 & 4 for sign specifications.)
- (j) Logo signs shall not be installed at any directional interchange. A directional interchange is an interchange of two Interstate highways, or any other freeway-to-freeway interchange having comparable geometric design features.
- (k) The applicants and business participants in the Logo Sign Program agree to hold harmless the State of Tennessee, the Department of Transportation, and its employees for any loss of business caused by any damage to or removal of background sign panels, logo signs or trailblazer signs.
- (2) An interchange which was an eligible location for the Logo Sign Program as of March 9, 1989, shall continue to be an eligible location notwithstanding changes in the Urbanized Area Boundary.

An interchange which became an eligible location at a later date shall be unaffected by changes in

(Rule 1680-03-03-.04, continued)

the Urbanized Area Boundary for the duration of the term of the contract between the Department and the Contractor in effect at the time of any such change.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed September 7, 1990; effective October 22, 1990. Amendment filed January 17, 1992; effective March 3, 1992. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.04 filed and effective February 1, 2003.

1680-03-03-.05 SERVICES PERMITTED.

(1) Eligible motorist service facilities shall comply with the laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin, and the laws concerning the granting of licenses and approvals for motorist service facilities.

(2) The types of motorist service facilities shall be limited to Gas, Food, Lodging, Camping or Attraction. To qualify for the Logo Sign Program and to display a logo sign on a background sign panel, the following minimum criteria must be met:

(a) Gas

1. Vehicle services, which shall include fuel, oil, air and water;
2. Drinking water suitable for public use and two or more clean public rest rooms, with at least one for men and one for women, must be available during all hours the facility is open to the public;
3. Continuous operation at least sixteen (16) hours per day, seven (7) days a week; and
4. Telephone; and
- 5.4. Located not more than three (3) miles from the primary point of intersection PPOI; and meet the requirements set forth in Rule 1680-03-03-.06

(b) Food

1. A valid permit as required by the Hotel, Food Service Establishment and Swimming Pool Inspection Act of 1985 as stipulated in Tennessee Code Annotated T.C.A., Title 68, Chapter 14, Part 3, and all other licenses and approvals as required by local governmental bodies;
2. Continuous operation, to serve three meals a day, 6 days a week, and opening not later than 7:00 AM for breakfast and closing no earlier than 8:00 PM; provided, however, if space is available, a specific business establishment shall not be excluded from participating in the specific service sign program because such establishment does not serve breakfast, and such establishment may occupy any available space on a specific service sign if doing so would not exclude a business establishment that does serve breakfast. Additionally, a business which is only open 6 days a week must identify the day of closure on its logo, e.g. Closed Sunday, with six inch letters located on the lower one third of the business logo which contrast in color to the color of the logo background.
Continuous operation, six (6) days a week and opening not later than 7:00 a.m., serving breakfast, and closing no earlier than 8:00 p.m. A business which is only open six (6) days a week must identify the day of closure on its logo, e.g. Closed

(Rule 1680-03-03-.05, continued)

Sunday, with six inch letters located on the lower one third of the business logo which contrast in color to the color of the logo background.

3. Telephone;

3.4. Indoor-On-premise seating for at least twenty-five (25) persons;

45. Two (2) or more clean public rest rooms, with at least one (1) for men and one (1) for women, must be available during all hours the facility is open to the public; and

56. Located not more than three (3) miles from the primary point of intersection PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06.

67. A business that meets all criteria set forth above ~~is to~~ will be considered "fully qualified." A business that meets the distance criteria but ~~perhaps not all of the other criteria will be considered "partially qualified."~~ A ~~partially qualified business will be eligible to participate in the program provided they do not keep off a business that is fully qualified. A fully qualified business shall have priority over a partially qualified business.~~ If a business is approved for the space as a "fully qualified" business, ~~but then changes to become only "partially qualified,"~~ said business may have its contract revoked.

(c) Lodging~~ODGING~~

1. All appropriate State and local licenses or approvals;

2. Off street parking;

3. A minimum of twenty (20) sleeping units;

4. A private entrance and rest room which has hot and cold water and a tub or shower for each sleeping unit;

5. Telephone;

6. Continuous operation twenty-four (24) hours a day; and;

6. Located not more than three (3) miles from the primary point of intersection PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06.

(d) Camping~~AMPING~~

1. All appropriate State and local licenses and approvals, including health permits;

2. Continuous operation for at least six (6) months of the year.

(i) The Bbusiness and the Department's Contractor shall specify the seasonal opening and closing dates of operation for the campground, and the logo signs of tile business shall indicate the specific dates that the campground is open for operation.

(ii) The Bbusiness will be required to pay the total annual fee to the Contractor regardless of the number of months of operation.

(Rule 1680-03-03-.05, continued)

3. A ~~C~~campground shall consist of a minimum of ten (10) individual campsites each having accommodations for potable water and electrical hook-ups for conventional travel trailers, tents and campers;
4. Parking spaces for each campsite;
5. Each campsite shall have a minimum area of three hundred (300) square feet;
6. A sanitary disposal system for travel trailers and campers;
7. Separate shower facilities for men and women with hot and cold running water and two (2) or more rest rooms, one (1) for men and one (1) for women;
8. A full-time attendant on duty or on call twenty-four (24) hours a day to maintain and manage campground services; and
9. Telephone; and
10. Located not more than fifteen (15) miles from the ~~primary point of intersection~~ PPOI and meet the requirements as set forth in Rule 1680-03-03-.06.

(e) Attraction ~~T~~TRACTION

1. Adequate parking for the facility with a minimum of twenty (20) spaces;
2. Year-round operation and open to the public at least five (5) days a week, including at least one day on the weekend;
3. Located not more than fifteen (15) miles from the ~~primary point of intersection (PPOI)~~ PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06;
4. ~~Drinking water suitable for public use and~~ Two (2) or more clean public rest rooms, with at least one (1) for men and one for women, must be available during all hours the facility is open to the public;
5. ~~Telephone; and~~
5. Open to members of the public of all age groups, and excluding businesses open only to adults; and;
6. Open to walk-ins. No appointments required.
7. Categories of businesses eligible for an Aattraction sign may include:
 - (i) Arenas or stadiums,
 - (ii) Cultural centers,
 - (iii) Amusement parks,
 - (iv) Zoos or aquariums,
 - (v) Race tracks,
 - (vi) Historical sites,
 - (vii) Museums,
 - (viii) Arts or crafts,
 - (ix) Wineries or breweries,
 - (x) Golf courses,
 - (xi) Recreational areas, and

(Rule 1680-03-03-.05, continued)

(xii) Shopping, Outlet or Antique Malls.

8. A business that meets all criteria set forth above ~~is to~~ will be considered "fully qualified." A business that meets the distance criteria and is open to walk-ins but ~~perhaps does not meet~~ all of the other criteria will be considered "partially qualified." A fully qualified business shall have priority over a partially qualified business. A partially qualified business will be eligible to participate in the program provided they do not keep off a business that is fully qualified. If a business is approved for the space as a "fully qualified" business, but then changes to become only "partially qualified", said business may have its contract revoked.
9. An Aattraction shall not be eligible to participate in the Logo Sign Program if a Guide Sign has been erected for the Aattraction in accordance with Chapter 1680-03-02, Manual on Uniform Traffic Control Devices - Supplemental Rules for Guide Signs on Freeways, Expressways and Conventional Highways.

Authority: T.C.A. §§ 54-5-11-01 and 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January, 17, 1992; effective March 3, 1992. Amendment filed May 20, 1997; effective September 28, 1997. Amendment filed February 27, 1998; effective June 26, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.05 filed and effective February 1, 2003.

(Rule 1680-03-03-.06, continued)

1680-03-03-.06 MEASUREMENTS.

- (1) For the purpose of determining which business in each category will receive priority for the Logo Sign Program the following will apply;
 - (a) The business having the shortest eligibility distance from the ~~Primary Point of Intersection (PPOI)~~ will have priority. In the event that two businesses have the same eligibility distance, the business with the shortest priority distance will have preference. This process will continue in ascending order as the eligibility distance increases from the ~~Primary Point of Intersection (PPOI)~~ until all positions on the background sign panel are filled.
 - (b) To qualify, the business must meet one of the following criteria-
 1. ~~GasAS, foodOOD and lodgingODGING~~;
 - (i) The business shall be located on the crossroad within three (3) miles of the ~~Primary Point of Intersection (PPOI)~~PPOI, and either the business or its on-premise sign shall be readily identifiable from the crossroad.
 - (ii) If the crossroad is less than three (3) miles in length and ~~terminates~~terminates with a thoroughfare, a business may qualify provided it is located on the thoroughfare and is three (3) miles or less from the ~~Primary Point of Intersection (PPOI)~~PPOI and either the business or its on-premise sign is readily identifiable from the thoroughfare. (See Rule 1680-03-03-.13, Figure 98)
 2. ~~CAMPGROUNDS Campgrounds and ATTRACTIONSattractions~~:
 - (i) A ~~Ccampground or Aattraction~~ shall be located within fifteen (15) miles of the ~~Primary Point of Intersection (PPOI)~~PPOI.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January 17, 1992; effective March 3, 1992. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.06 filed and effective February 1, 2003.

1680-03-03-.07 APPLICATION PROCESS.

- (1) Any business that wishes to participate in the Logo Sign Program shall complete and submit a signed application to the ~~C~~Ccontractor.
- (2) A business may qualify to provide more than one motorist service under the Logo Sign Program, provided it meets all the requirements of these ~~R~~Rules and ~~R~~Regulations. If a business wishes to have a separate logo sign for each motorist service it provides, the business must submit a separate signed application for each motorist service.
- (3) If an application is approved, the ~~C~~Ccontractor shall issue a "Notice of Eligibility." A "Notice of Eligibility" shall be issued regardless of the availability of space on the background sign panel for which the business has applied.
- (4) The "Notice of Eligibility" will be kept on file by the ~~C~~Ccontractor for three (3) years from the date it is issued.

(Rule 1680-03-03-.07, continued)

- (5) Should the Ccontractor deny an application, the Ccontractor shall Pprovide by certified mail or hand delivery (and obtain a signed receipt) a "Notice of Non-Eligibility" to the business, outlining the facts that warranted the denial.
- (6) A business may be bumped from a sign at the end of its existing contract. In order to bump a business, the new business must submit an application at least sixty (60) days prior to the contract end date for the business that will be bumped. A new business that has a shorter eligibility distance than a business with a current sign may bump that business from the sign. However, a new food or attraction business that is fully qualified but with a longer eligibility distance may bump a business that is partially qualified but with a shorter eligibility distance. All other criteria contained in these rules shall apply.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.07 filed and effective February 1, 2003.

1680-03-03-.08 SPACE AVAILABLE NOTIFICATION.

- (1) When space is available on a background sign panel, the Ccontractor will:
 - (a) Contact any establishment that is open for business at the interchange and has a shorter eligibility distance than a business with a current "Notice of Eligibility" on file with the Ccontractor or a current participant of the Logo Sign Program. This establishment must be provided the opportunity to submit an application to participate in the Logo Sign Program; and,
 - (b) Approve or deny the establishment's application based upon the requirements of these Rrules and Regulations; and,
 - (c) Issue a "Notice of Space Availability" to the Bbusiness with the current shortest eligibility distance that hold a "Notice of Eligibility"; and,
 - (d) Make such inquiries, investigations and inspections as necessary to insure that the Bbusiness continues to meet the eligibility requirements set out in these Rrules and Regulations.
- (2) The Ccontractor will notify the business of the required number of mainline, exit ramp and trailblazer logo sign required.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.08 filed and effective February 1, 2003.

1680-03-03-.09 TERMINATION OF PARTICIPATION.

- (1) The Department or the Ccontractor may inspect a bBusiness at any time during its contract period to assure that the Bbusiness continues to meet the eligibility requirements set out in these rules. ~~is still in compliance to participate in the Logo Sign Program~~
- (2) The agreement between the Ccontractor and the Bbusiness shall contain provisions that cover breach of contract by the Bbusiness. The following concepts shall be included within the provisions:
 - (a) A Bbusiness believed by the Ccontractor to be breaching the contract, for any reason, shall be given a reasonable period of time to remedy the situation.

(Rule 1680-03-03-.0810, continued)

- (b) Should the Bbusiness fail to remedy the situation, its logo sign(s) shall be removed and the contract terminated with no pro-ration of monies paid.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.09 filed and effective February 1, 2003.

1680-03-03-10 SIGN COMPOSITION.

- (1) All logo signs (Mmainline, Eexit Ramp and Trailblazer) shall have a blue background and a silver-white border.
- (a) Symbols or trademarks shall be reproduced in the colors and shape consistent with customary use, and any integral legend shall be proportional in size.
- (b) Messages, symbols and trademarks which resemble any official Traffic Control Device are prohibited.
- (c) Logo signs ~~furnished~~ furnished to the Contractor shall be constructed of aluminum, 0.080 inches thick, and conforming to American Society of Testing and Materials (ASTM)-B 209 Alloy 606 1 -T6 or 5052-1138.
- (d) The logo sign blanks shall be flat and contain no visible lateral bow.
- (2) The logo sign shall be fabricated from encapsulated lens reflective sheeting and shall meet Tennessee Standard Specification 916.06, material Type II. The process color used for screening the business logo on the encapsulated lens background shall be as recommended by the manufacturer of the reflective sheeting.

(Rule 1680-03-03-.10, continued)

Authority: T.C.A. § 5-4-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January 17, 1992; effective March 3, 1992. Rule has been assigned a new control number from 1680-9-1-.10 filed and effective February 1, 2003.

1680-03-03-.11 BUSINESS LOGO DIMENSIONS AND DETAILS.

- (1) Mainline business Logo Signs for all types of services will be 48" x 36" in size, 0.080" in thickness, and will have a 3" border radius and a 1/4" border width.
- (2) Exit Ramp business Logo Signs for all types of services will be 24" x 18" in size, 0.080" in thickness, and will have a 1 1/2" border radius and a 3/8" border width.
- (3) Trailblazer Logo Signs will be 24" x 18" in size, 0.080" in thickness, and will have a 1 1/2" border radius and a 3/8" border width.

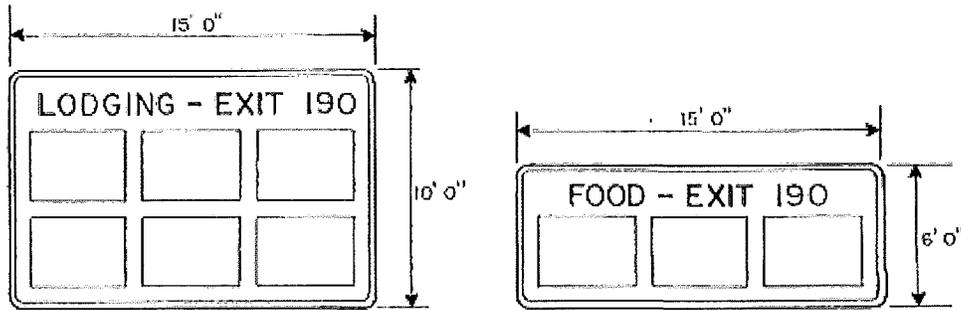
Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.11 filed and effective February 1, 2003.

1680-03-03-.12 BUSINESS LOGO SIGN MAINTENANCE.

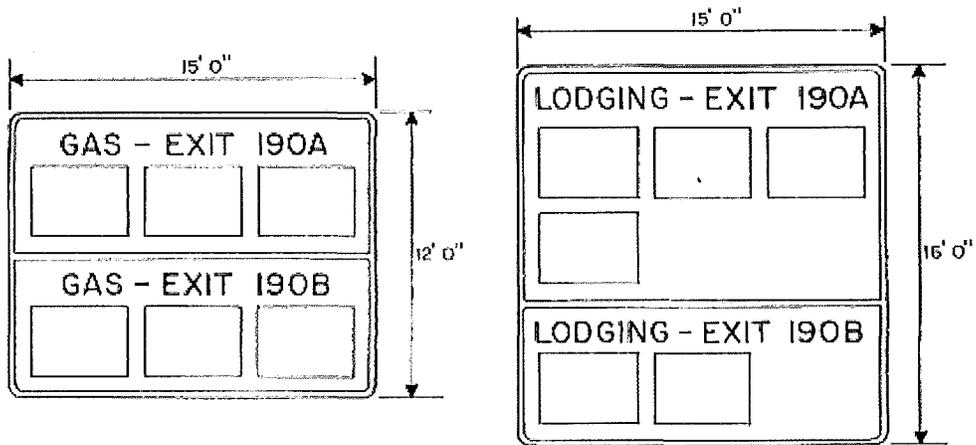
- (1) The Contractor will perform all maintenance work on all background sign panels, trailblazer signs and sign supports that are a part of the Logo Sign Program.
- (2) When the logo sign of a business becomes damaged because of acts of vandalism, natural causes, or accidental damage, the business will provide, at its expense, a new logo sign to the Contractor unless the damage was caused by the Contractor or its agent. If the Contractor or its agent damages the logo sign of a business, the Contractor will be responsible for the cost of replacement.
- (3) If in the opinion of the Department or the Contractor, a logo sign of a business becomes unsightly, badly faded, or in a state of disrepair, the business shall provide at its expense a new or refurbished logo sign to the Contractor upon request.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.12 filed and effective February 1, 2003.

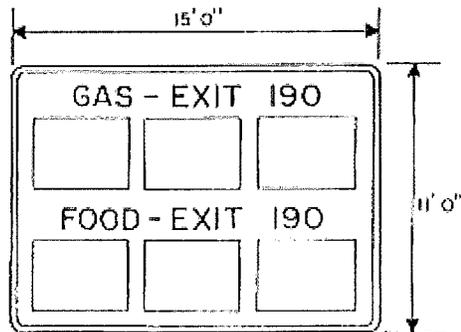
1680-3-3-.13 APPENDIX.



TYPICAL MAINLINE BACKGROUND SIGN PANEL DETAIL (SINGLE EXIT RAMP INTERCHANGE)



TYPICAL MAINLINE BACKGROUND SIGN PANEL DETAIL (DOUBLE EXIT RAMP INTERCHANGE)

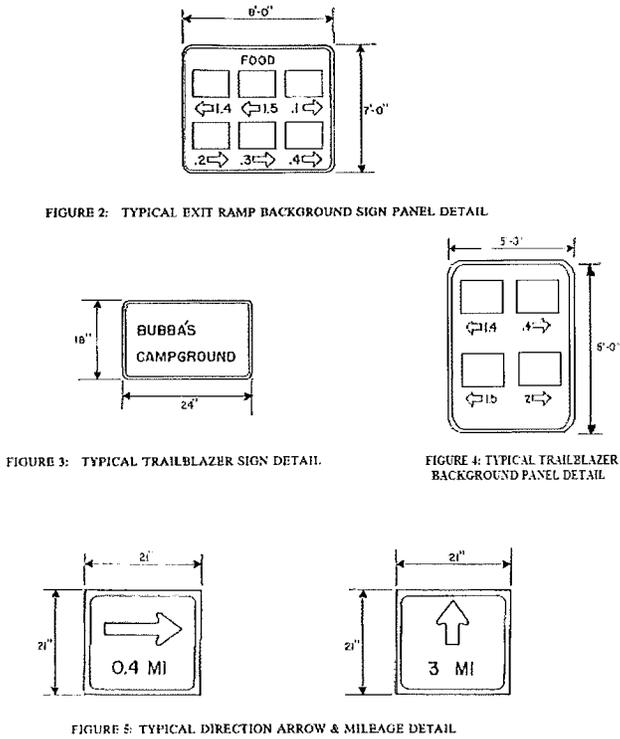
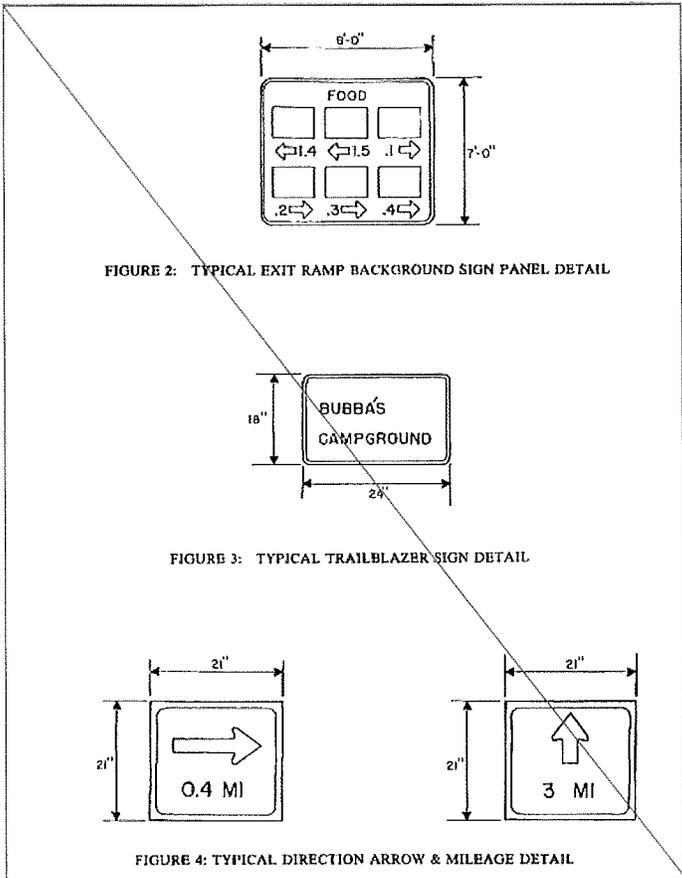


TYPICAL COMBINATION MAINLINE BACKGROUND SIGN PANEL

FIGURE 1

(Rule 1680-03-03-13, continued)

Add new Figure 4



(Rule 1680-03-03-.13, continued)

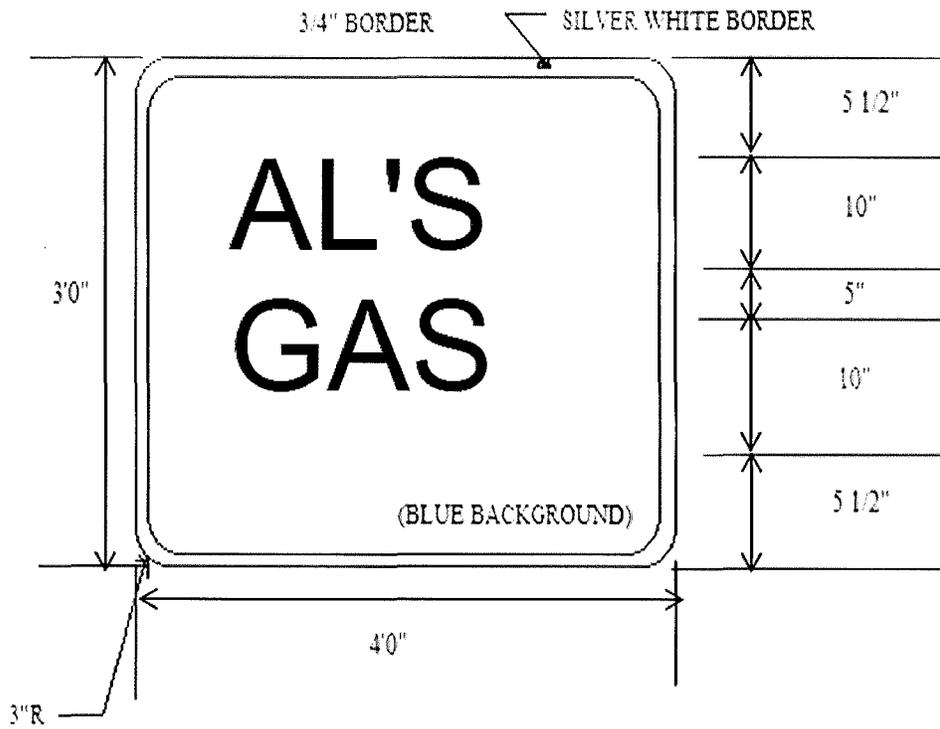


FIGURE 6: TYPICAL MAINLINE LOGO SIGN DETAIL
(FOR ALL MOTORIST SERVICES)

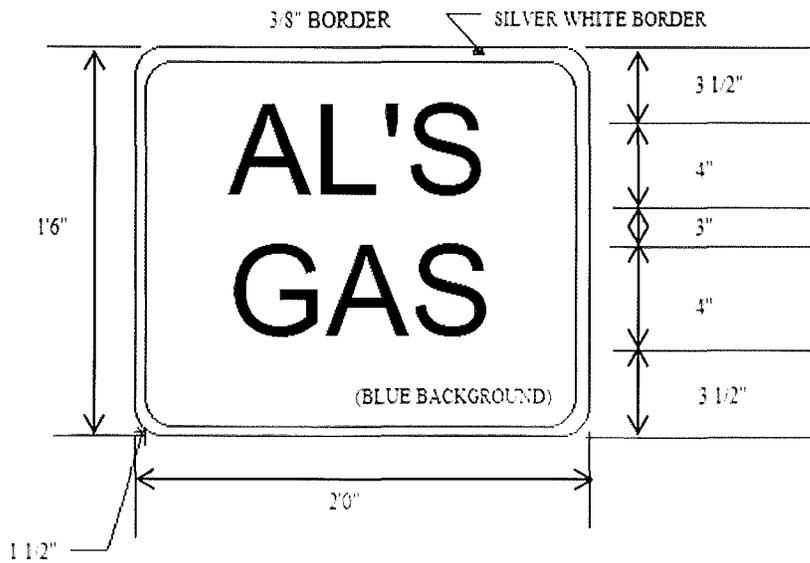


FIGURE 7: TYPICAL EXIT RAMP LOGO SIGN DETAIL
(FOR ALL MOTORIST SERVICES)

(Rule 1680-03-03-.13, continued)

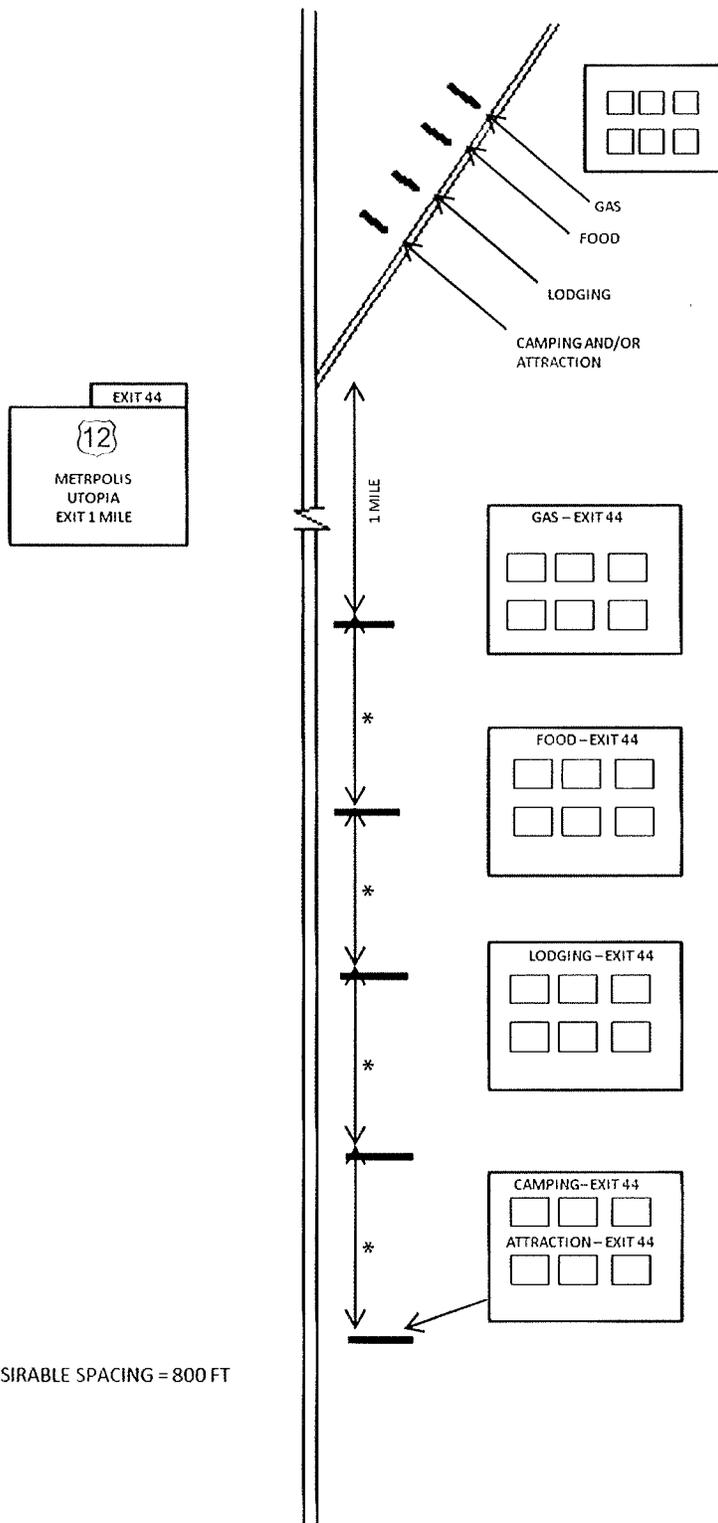


FIGURE 8: TYPICAL SIGN LOCATION DETAIL

(Rule 1680-03-03-.13, continued)

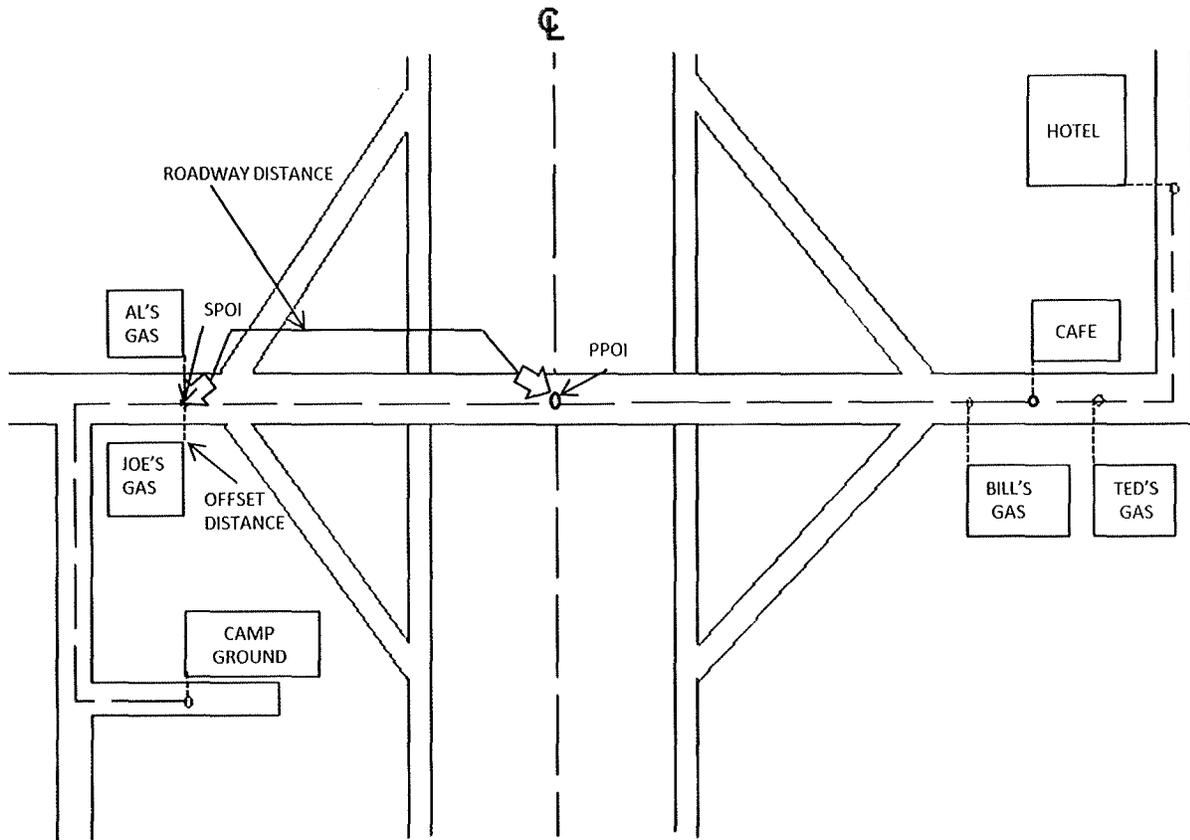


FIGURE 9

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.13 filed and effective February 1, 2003.